

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 76494

Ronald J. Heim
1726 Eastern Avenue
Baltimore MD 21221

1713 Earhart Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on September 8, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 3-6-401, 402; 13-7-310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to comply with Hearing Officer's ruling to cease open dump, failure to cease open dump on residential property zoned DR 5.5.

On July 30, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued April 27, 2010 for removal of open dump/junkyard conditions, license/remove all untagged/inoperative or damaged/disabled motor vehicle(s); removal of commercial vehicle(s); removal of trash and debris; removal of accumulations of debris, materials, etc. A Citation was issued on May 19, 2010 and when the violations were not corrected by July 28, 2010, a \$400.00 civil penalty was imposed and billed to Respondent. This Citation was issued July 30, 2010.

B. Photographs of this residential investment property show old kitchen cabinets in the yard, and junk, trash, debris and open plastic containers filled with household items in the rear yard and under the deck. The old kitchen cabinets have been in the yard since at least April 2010, and Respondent has failed to comply with the County's requests for removal. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. All junk and trash must be removed.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the County may enter the property for the purpose of removing all junk, trash and debris, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20th day of September 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf